2 S-86-11-14 (as amended) SPECIAL ORDINANCE NO. S-205-86 3 4 5 AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana 6 amending Chapter 14.7, entitled "Housing and Building Standards, 7 by adding an article entitled "Smoke Detectors", which requires 8 the installation of smoke detectors in all family living units within 9 the corporate limits of the city. 10 11 WHEREAS, six thousand Americans die by fire annually 12 and three hundred thousand are severely injured by fire annually, 13 of which fifty thousand are unable to return to a normal way of 14 life; and 15 16 WHEREAS, the citizens of Fort Wayne, Indiana 17 contributed 15 deaths as a part of these statistics in 1986, of 18 whom 77% were in homes with no smoke detector or it was 19 inoperable, and 65% of these victims were asleep at the time the 20 fire broke out; and 21 22 WHEREAS, the National Commission on Fire Prevention 23 and Control have concluded that the larger percentage of these 24 deaths and injuries could have been avoided; and 25 WHEREAS, fire chiefs, firefighters and fire experts, 26 nationwide, endorse this conclusion; and 27 28 WHEREAS, the Common Council of the City of Fort Wayne. 29 Indiana is committed to preserving the welfare of all its 30 citizens, as tenants and homeowners; and 31 32

1 2 WHEREAS, the Common Council of the City of Fort Wayne, 3 Indiana recognizes that the protection of the public's health, 4 safety and welfare from fires may be improved by the installation 5 and maintenance of smoke detectors. 6 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF 7 THE CITY OF FORT WAYNE, INDIANA THAT CHAPTER 14.7 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA ENTITLED "HOUSING AND 8 BUILDING STANDARDS" IS AMENDED BY ADDING THE FOLLOWING ARTICLE: 9 10 SMOKE DETECTORS 11 SECTION 1. DEFINITIONS: For purposes of this 12 chapter, the following definitions shall apply. 13 a. "Alarm Signal." An audible signal indicating the detection of 14 visible or invisible, particles or products of combustion other than heat. 15 "Authority having jurisdiction." The Fort Wayne Fire 16 Department and the Safe Housing and Building Standards Department of the City of Fort Wayne which have enforcement responsibility 17 for this article. 18 c. "Family Living Unit." That structure, area, room, or combination of rooms in which a family (or individual) lives. 19 This is meant to cover living area only and not common usage areas 20 in multi-family buildings such as corridors, lobbies, basements, etc. 21 d. "Labeled." Equipment or materials to which has been attached a 22 label, symbol or other identifying mark of an organization acceptable to the "authority having jurisdiction". 23 e. "Listed" Equipment or materials included in a list published 24 by an organization acceptable to the "authority having jurisdiction" and which product meets appropriate standards or has 25 been tested and found suitable for use in a specified manner. 26 f. "NFPA74." Standard 74 of the National Fire Protection Association, which is located in Batterymarch Park, Quincy, MD 27 02269. 28 g. "Rental Agent." Any person, partnership or corporation, who rents, subleases, lets or otherwise grants for a consideration the 29 right to occupy premises not owned by the occupant. This term shall not be construed to mean a real estate agent who is employed 30 for the sole purpose of selling residential units. 31

1 2 n. "Sleeping areas." The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms, (but not bathrooms), 3 4 shall be considered sleeping areas. . "Shall." Indicates a mandatory requirement. 5 6 j. "Smoke Detector" shall be defined as a device which detects visible or invisible particles or products of combustion other 7 than heat, as approved by Underwriters Laboratories, Inc. or Factory Mutual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any 8 visible or invisible particles or products of combustion. It may be either battery powered with a minimum 9 volt or it may be powered by a 110 volt alternating current. 10 11 SECTION 2. BASIC REQUIREMENTS. 12 13 All family living units within the corporate limits of the 14 City of Fort Wayne, Indiana shall be equipped with a minumum of 15 one functional, properly located, labeled and listed, smoke 16 detector, or its equivalent or better, as described in the 17 NFPA74. 18 19 SECTION 3. INSTALLATION; LOCATION. 20 A minimum of one smoke detector, or its equivalent or better as described in the NFPA74, shall be installed in each family 21 living unit within the corporate limits of the City of Fort Wayne, 22 Indiana. All smoke detectors must be installed according to the 23 manufacturer's instructions and subject to the approval of the 24 "authority having jurisdiction". c. The smoke detector shall be installed to protect the sleeping 25 areas and shall be located outside of the bedrooms but in the immediate vacinity of the sleeping areas, within 15 feet of all 26 rooms used for sleeping areas. 27 The smoke detector shall be installed on or near the ceiling, 28 not less than six (6) inches from any wall, or on a wall, not less than six (6) inches nor more than twelve (12) inches from the 29 ceiling, and its installation shall be subject to approval by the "authority having jurisdiction". No detector shall be recessed 30 into the ceiling. 31 32 - 3 -

e. All smoke detectors shall be accessible for servicing and testing.

f. If a smoke detector is A.C. powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of A.C. powered detectors shall conform to all electrical standards adopted by the Allen County Building Department. A smoke detector required under this chapter shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard shall take precedence.

## SECTION 4. MAINTENANCE.

It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement shall be re-installed or replaced so that it is operable and in place during normal sleeping hours.

a. Rented residential dwelling units. Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six (6) month intervals in every individual residential dwelling unit, and maintained as necessary, to ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is re-occupied.

b. Owner-occupied dwelling units. Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six (6) month intervals, and maintained as necessary, to ensure it is in operable condition.

SECTION 5. DUTY OF PROPERTY OWNER, MANAGER, OR RENTAL AGENT.

Every owner, or the manager or rental agent of such owner of any such residential dwelling unit shall be responsible for the installation of all smoke detectors. It is the responsibility of the tenant to maintain all such smoke detectors provided by the owner in good working order until said tenant vacates the premises unless said smoke detector requires AC power supply, then the responsibility for maintaining such smoke detector shall be the responsibility of the owner, manager or rental agent of the property.

SECTION 6. ENFORCEMENT OF PROVISIONS.

The City Fire Department and the Safe Housing and Building Department shall be charged with the duty of enforcing the terms of this article of this chapter.

## SECTION 7. VIOLATION/PENALTY.

- a. Any person, firm or corporation violating any provisions of this article of this chapter, or who shall fail to comply with an order as affirmed or modified by the authority having jurisidiction shall be subject to a fine of \$50.00.
- b. Each day such violation is permitted to continue may be deemed to constitute a separate offense.
- c. The violation and penalty as herein described in this article shall not be subject to any other fine or penalty within this chapter.

SECTION 8. Severability.

The provisions of this article of this chapter are severable, and if any sentence, section, or other part of this article shall be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue to be in full force and effect.

SECTION 9. That this ordinance shall be in full force and effect January 1, 1987 and from and after its passage and legal publication, any and all necessary approval by the mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

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Stanley Levine, Attorney for Common Council

Read the first time in full and on motion by second , and duly adopted, read the second time by title and referred to the Committee Second time (and the Cit Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayn Indiana, on the day of And the City of the council Chambers, City-County Building, Fort Wayn day of SANDRA E. KENNEDY, CITY CLERK Read the third time in full and on motion by seconded by , and duly adopted, placed on its passage. PASSED (LOST) by the following vote:	y ie,
AYES NAYS ABSTAINED ABSENT TO-WIT:	
TOTAL VOTES 8	
BRADBURY	
BURNS	
EISBART	
GiaQUINTA	
HENRY	
REDD	
SCHMIDT	
STIER	
TALARICO	
DATE: 12-9-86 Sandra E. Kennedy, CITY CLERK  Passed and adopted by the Common Council of the City of Fort	
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)	
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 20586	
on the 9th day of Country, 186,	
Sandra E. KENNEDY, CITY CLERK PRESIDING OFFICER  (SEAL)  PRESIDING OFFICER	
Presented by me to the Mayor of the City of Fort Wayne, Indiana,	
on the 10th day of Occampted, 1986	,
on the 10th day of Occorded, 1986 at the hour of 1:00 o'clock	
SANDRA E. KENNEDY, CITY CLERK	
Approved and signed by me this paday of December	,
19 86, at the hour of 1000 o'clock A.M., E.S.T.	
in white	
WIN MOSES, JR., MAYOR	

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31 32 AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana amending Chapter 14.7, entitled "Housing and Building Standards, by adding an article entitled "Smoke Detectors", which requires the installation of smoke detectors in all family living units within the corporate limits of the city.

WHEREAS, six thousand Americans die by fire annually and three hundred thousand are severely injured by fire annually, of which fifty thousand are unable to return to a normal way of life; and

WHEREAS, the citizens of Fort Wayne, Indiana contributed 15 deaths as a part of these statistics in 1986, of whom 77% were in homes with no smoke detector or it was inoperable, and 65% of these victims were asleep at the time the fire broke out; and

WHEREAS, the National Commission on Fire Prevention and Control have concluded that the larger percentage of these deaths and injuries could have been avoided; and

WHEREAS, fire chiefs, firefighters and fire experts, nationwide, endorse this conclusion; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana is committed to preserving the welfare of all its citizens, as tenants and homeowners; and

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WHEREAS, the Common Council of the City of Fort Wayne,
Indiana recognizes that the protection of the public's health,
safety and welfare from fires may be improved by the installation
and maintenance of smoke detectors.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT CHAPTER 14.7 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA ENTITLED "HOUSING AND BUILDING STANDARDS" IS AMENDED BY ADDING THE FOLLOWING ARTICLE:

### SMOKE DETECTORS

SECTION 1. DEFINITIONS: For purposes of this chapter, the following definitions shall apply.

- a. "Alarm Signal." An audible signal indicating the detection of visible or invisible, particles or products of combustion other than heat.
- b. "Authority having jurisdiction." The Fort Wayne Fire Department and the Safe Housing and Building Standards Department of the City of Fort Wayne which have enforcement responsibility for this article.
- c. "Family Living Unit." That structure, area, room, or combination of rooms in which a family (or individual) lives. This is meant to cover living area only and not common usage areas in multi-family buildings such as corridors, lobbies, basements, etc.
- d. "Labeled." Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the "authority having jurisdiction".
- e. "Listed" Equipment or materials included in a list published by an organization acceptable to the "authority having jurisdiction" and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.
- f. "NFPA74." Standard 74 of the National Fire Protection Association, which is located in Batterymarch Park, Quincy, MD 02269.
- g. "Sleeping areas." The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms, (but not bathrooms), shall be considered sleeping areas.
- h. "Shall." Indicates a mandatory requirement.

i. "Smoke Detector" shall be defined as a device which detects 2 visible or invisible particles or products of combustion other than heat, as approved by Underwriters Laboratories, Inc. or 3 Factory Mutual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any . 4 visible or invisible particles or products of combustion. It may be either battery powered with a minimum 9 volt or it may be powered by a 110 volt alternating current. 5 6 7 SECTION 2. BASIC REQUIREMENTS. 8 9 All family living units within the corporate limits of the 10 City of Fort Wayne, Indiana shall be equipped with a minumum of 11 one functional, properly located, labeled and listed, smoke . 12 detector, or its equivalent or better, as described in the 13 NFPA74. 14 15 SECTION 3. INSTALLATION; LOCATION. 16 A minimum of one smoke detector, or its equivalent or better as described in the NFPA74, shall be installed in each family 17 living unit within the corporate limits of the City of Fort Wayne, Indiana. 18 All smoke detectors must be installed according to the 19 manufacturer's instructions and subject to the approval of the "authority having jurisdiction". 20 The smoke detector shall be installed to protect the sleeping 21 areas and shall be located outside of the bedrooms but in the immediate vacinity of the sleeping areas, within 15 feet of all 22 rooms used for sleeping areas. 23 The smoke detector shall be installed on or near the ceiling, not less than six (6) inches from any wall, or on a wall, not less 24 than six (6) inches nor more than twelve (12) inches from the ceiling, and its installation shall be subject to approval by the 25 "authority having jurisdiction". No detector shall be recessed into the ceiling. 26 All smoke detectors shall be accessible for servicing and 27 testing. 28 29

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f. If a smoke detector is A.C. powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of A.C. powered detectors shall conform to all electrical standards adopted by the Allen County Building Department. A smoke detector required under this chapter shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard shall take precedence.

> SECTION 4. MAINTENANCE.

It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement shall be re-installed or replaced so that it is operable and in place during normal sleeping hours.

- a. Rented residential dwelling units. Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six (6) month intervals in every individual residential dwelling unit, and maintained as necessary, to ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is re-occupied.
- b. Owner-occupied dwelling units. Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six (6) month intervals, and maintained as necessary, to ensure it is in operable condition.

SECTION 5. DUTY OF PROPERTY OWNER, MANAGER, OR RENTAL AGENT.

Every owner, or the manager or rental agent of such owner of any such residential dwelling unit shall be responsible for the installation and maintenance of all smoke detectors. It is the Neso

SECTION 6. ENFORCEMENT OF PROVISIONS.

The City Fire Department and the Safe Housing and Building Department shall be charged with the duty of enforcing the terms of this article of this chapter.

## SECTION 7. VIOLATION/PENALTY.

- a. Any person, firm or corporation violating any provisions of this article of this chapter, or who shall fail to comply with an order as affirmed or modified by the authority having jurisidiction shall be subject to a fine of \$50.00.
- b. Each day such violation is permitted to continue may be deemed to constitute a separate offense.
- c. The violation and penalty as herein described in this article shall not be subject to any other fine or penalty within this chapter.

## SECTION 8. Severability.

The provisions of this article of this chapter are severable, and if any sentence, section, or other part of this article shall be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue to be in full force and effect.

SECTION 9. That this ordinance shall be in full force and effect January 1, 1987 and from and after its passage and legal publication, any and all necessary approval by the mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

Stanley Levine, Attorney for Common Council

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BILL NO.

S-86-11-14 Adulouduy

REPORT OF THE COMMITTEE ON	REGULATIONS
WE, YOUR COMMITTEE ON REGULATIONS	TO WHOM WA
REFERRED AN (ORDINANCE) (RESSULVATION)	of the Common Council
of the City of Fort Wayne, Indiana ar	mending Chapter 14.7 entitled
"Housing and Building Stanadards, by	adding an article entitled
"Smoke Detectors", which requires the	e installation of smoke
detectors in all family living units	within the corporate
limits of the city	
HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNLEAVE TO REPORT BACK TO THE COMMON COUNCIL	DER CONSIDERATION AND BEG THAT SAID (ORDINANCE)
YES  BEN A. EISBART	NO
CHAIRMAN  CHAIRMAN  CHAIRMAN  JANET G. BRADBURY  VICE CHAIRWOMAN  DONALD J. SCHMIDT	
THOMAS C. HENRY	
CHARLES B. REDD	
CONCURRED IN 12-9-86	SANDRA E. KENNEDY CITY CLERK

100 cm 2



# The City of Fort Wayne

December 16, 1986

Ms. Marilyn Romine
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the dates of December 20 & 27, 1986, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN

Special Ordinance No. S-205-86
Bill No. S-86-11-14 (as amended)
Smoke Detectors

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy

City Clerk

SEK/ne ENCL: 1

# LEGAL NOTICE

	December , 19 86 , the Common Council of the City
of	Fort Wayne, Indiana, in a Regular Session did pass
the	following Bill No. S-86-11-14 (as amended) Special
Ord	inance No. S-205-86 to-wit:
2	BILL NO. S-86-11-14 (as amended)
3	
4	SPECIAL ORDINANCE NO. S-205-80
5	AN ORDINANCE of the Common Council
6	of the City of Fort Wayne, Indiana amending Chapter 14.7, entitled
7	"Housing and Building Standards.
8	by adding an article entitled "Smoke Detectors", which requires
9	the installation of smoke detectors in all family living units within
10	the corporate limits of the city.
11	
12	WHEREAS, six thousand Americans die by fire annually
13	and three hundred thousand are severely injured by fire annually
14	of which fifty thousand are unable to return to a normal way of
15	life; and
16	
17	WHEREAS, the citizens of Fort Wayne, Indiana
18	contributed 15 deaths as a part of these statistics in 1986, of
19	whom 77% were in homes with no smoke detector or it was
20	inoperable, and 65% of these victims were asleep at the time the
21	fire broke out; and
22	WHEREAS, the National Commission on Fire Prevention
23	and Control have concluded that the larger percentage of these
24	deaths and injuries could have been avoided; and
25	and avoided, and
26	WHEREAS, fire chiefs, firefighters and fire experts,
27	nationwide, endorse this conclusion; and
28	WHEREAS, the Common Council of the City of Fort Wayne,
29	Indiana is committed to preserving the welfare of all its
30	citizens, as tenants and homeowners; and
31	, allu
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continue to be in full force and effect.  SECTION 9. That this ordinance shall be in fand effect January 1, 1987 and from and after its passage legal publication, any and all necessary approval by the following vote:  Read the third time in full and on motion by Eisban seconded by Stier, and duly adopted, placed on its passage. In Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico NAYS: None ABSTAINED: None ABSTAINED: None GiaQuinta  DATE: 12-9-86 Sandra E. Kennedy City Clerk  Passed and adopted by the Common Council of the City of Port Wayne, Indiana, as Special Ordinance No. S-205-86 on the day of December, 1986.  ATTEST: (SEAL)  Sandra E. Kennedy Samuel J. Talarico Presiding Officer  Presented by me to the Mayor of the City of Fort Wait City Clerk  Approved and signed by me this 11th day of December, 1986, at the hour of 1:60 o'clock P.M.,E.S.T.  Win Moses, Jr. Mayor  I, The Clerk of the City of Fort Wayne, Indiana do hereby certificate the above and foregoing is a full, true and complete copy of Special Ordinance No. S-205-86	IIGII
SECTION 9. That this ordinance shall be in fand effect January 1, 1987 and from and after its passas legal publication, any and all necessary approval by the degal publication, any and all necessary approval by the fall publication, any and all necessary approval by the fall publication, any and all necessary approval by the fall publication, any and all necessary approval by the fall publication, any and all necessary approval by the fall publication, any and all necessary approval by the fall publication, any and all necessary approval by the fall publication, any and all necessary approval by the fall publication, any and all necessary approval by the fall publication, and all necessary approval by the fall publication approved and sopped, and all necessary approval by the fall publication by the fall publication by the fall publication by the fall publication approved and adopted by the fall publication. Henry, Redd, Schmidt, Stier, Talarico Nayser, Indiana, as Special Ordinance No. S-205-86 on the fall publication and adopted by the Common Council of the City Clerk  Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, on the 3th day of December, 1986, at the hour of 1:00 o'clock P.M.,E.S.T.  Sandra E. Kennedy City Clerk  Approved and signed by me this 1lth day of December the hour of 10:00 o'clock A.M.,E.S.T.  Win Moses, Jr. Mayor  I, The Clerk of the City of Fort Wayne, Indiana do hereby certification and the above and foregoing is a full, true and complete copy of the city of publication.	
and effect January 1, 1987 and from and after its passa legal publication, any and all necessary approval by the  Ben A. Eisbart  COUNCILMEMBER  Read the third time in full and on motion by Eisbar seconded by Stier, and duly adopted, placed on its passage. It by the following vote:  AYES: Eight Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico NAYS: None ABSTAINED: None ABSTAINED: None ABSTAINED: One GiaQuinta  DATE: 12-9-86  Sandra E. Kennedy City Clerk  Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-205-86 on the day of December, 1986.  ATTEST: (SEAL)  Sandra E. Kennedy City Clerk  Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1986, at the hour of 1:00 c'clock P.M.,E.S.T.  Sandra E. Kennedy City Clerk  Approved and signed by me this 11th day of December the hour of 10:00 c'clock A.M.,E.S.T.  Win Moses, Jr. Mayor  I, The Clerk of the City of Fort Wayne, Indiana do hereby certificated the above and foregoing is a full, true and complete copy of the composition of the comp	ull forc
24 25 26 27 28 29 29 20 20 20 21 20 21 22 22 22 23 24 25 26 27 26 27 27 28 29 20 20 20 21 20 20 21 20 20 21 20 21 20 21 20 21 20 21 20 21 20 21 20 21 20 21 20 21 20 21 20 21 20 21 21 21 22 22 22 23 24 25 26 27 26 27 27 20 20 20 20 20 20 20 20 20 20 20 20 20	
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Special Ordinance No. S-205-86	of
passed by the Common Council on the 9th day of	
December , 19 86 , and that said Ordinance	
duly signed and approved by the Mayor on the llth day of	
December , 19 86 , and now remains on file	and
on record in my office.	
WITNESS my hand, and the official seal of the City of Fort Wayne  Indiana, this llth day of	

# Fort Wayne Common Council

(Governmental Unit)
Allen ..... County, IN

То	NEW-SENTINEL Dr.
	P.O. BOX 100
	FORT WAYNE, INDIANA

230

## PUBLISHER'S CLAIM

#### LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

LEGAL NOTICE

Notice is hereby given that on the 9th day of December, 1986, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-86-11-14 (as amended) — Special Ordinana No. S-906-86 to with

following Bill No. S-86-11-14 (as amended) — Special ridinance No. S-205-86 to-wit:

BILL NO. S-86-11-14 (as amended) — Special ridinance No. S-205-86 to-wit:

BILL NO. S-86-11-14 (as amended) — SPECIAL ORDINANCE NO. S-205-86 NO RODINANCE of the Common Council of the City of port Wayne, Indiana amending Chapter 14.7, entitled rousing and Building Standards, by adding an article nititled "Smoke Detectors", which requires the stallation of smoke detectors in all family living units thin the corporate limits of the city.

WHEREAS, six thousand Americans die by fire anually and three hundred thousand are severely lured by fire annually, of which lifty thousand are hable to return to a normal way of life; and WHEREAS, the citizens of Fort Wayne, Indiana untributed 15 deaths as a part of these statistics in 1986, of whom 77% were in homes with no smoke etector or it was inoperable, and 65% of these citims were asleep at the time the fire broke out; ind

victims were asleep at the time the fire broke out; and WHEREAS, the National Commission on Fire Prevention and Control have concluded that the larger percentage of these deaths and injuries could have been avoided; and WHEREAS, fire chiefs, fireflighters and fire experts, nationwide, endorse this conclusion; and WHEREAS, the Common Council of the City of Fort Wayne, Indiana is committed to preserving the welfare of all its clitzens, as tenants and horneowners, and WHEREAS, the Common Council of the City of Fort Wayne, Indiana recognizes that the protection of the public's health, safety and welfare from fires may be improved by the installation and maintenance of smoke detectors.

Wayne, Indiana recognizes that the protection of the public's health, safety and welfare from fires may be improved by the installation and maintenance of smoke detectors.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT CHAPTER 14.7 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA ENTITLED "HOUSING AND BUILDING STANDARDS" IS AMENDED BY ADDING THE FOLLOWING ARTICLE:

SECTION 1. DEFINITIONS: For purposes of this chapter, the following definitions shall apply.

a. "Alarm Signal." An audible signal indicating the detection of visible or invisible, particles or products of combustion other than heat.

b. "Authority having jurisdiction." The Fort Wayne Fire Department and the Safe Housing and Building Standards Department of the City of Fort Wayne which have enforcement responsibility for this article.

c. "Family Living Unit." That structure, area, room, or combination of rooms in which a family (or individual) lives. This is meant to cover living area only and not common usage areas in multi-family buildings such as corridors, lobbies, basements, etc.

d. "Labeled." Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the "authority having jurisdiction".

e. "Listed." Equipment or materials included in a list ublished by an organization acceptable to the "authority having jurisdiction" and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.

f. "NFPA74." Standard 74 of the National Fire Protection Association, which is located in Batterymerch Park, Quincy, MD 02269.

g. "Rental Agent." Any person, partnership or corporation, who rents, subleases, lets or otherwise grants for a consideration the right to occupy remises not owned by the occupant. This term shall not be construed to mean a real estate agent who is employed for the sole purpose of selling residential units.

h. "Sleeping areas." The area or areas of the family living uni

employed for the sole purpose of selling residential units.

h. "Sleeping areas." The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms, (but not bathrooms), shall be considered sleeping areas.

i. "Shall." Indicates a mandatory requirement.

j. "Smoke Detector." shall be defined as a device which detects visible or invisible particles or products of combustion other than heat, as approved by Underwriters Laboratories, Inc. or Factory Mutual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any visible or invisible particles or products of combustion. It may be either battery powered with a minimum 9 volt or it may be powered by a 1.10 volt alternating current.

SECTION 2. BASIC REQUIREMENTS.

All family living units within the corporate limits of the City of Fort Wayne, Indiana shall be equipped with a minimum of one functional, properly located, labeled and listed, smoke detector, or its equivalent or better, as described in the NFPA74. shall

better, as described in the NFPA74.

SECTION 3. INSTALLATION; LOCATION,
a. A minimum of one smoke detector, or its
equivalent or better as described in the NFPA74, shall
be installed in each family living unit within the
corporate limits of the City of Fort Wayne, Indiana.
b. All smoke detectors must be installed according,
to the manufacturer's instructions and subject to the
approval of the "authority having jurisdiction".
c. The smoke detector shall be installed to protect
the sleeping areas and shall be located outside of the
bedrooms but in the immediate vicinity of the
sleeping areas, within 15 feet of all rooms used for
sleeping areas, within 15 feet of all rooms used for
sleeping areas.
d. The smoke detector shall be installed on or near
the ceiling, not less than six (6) inches from any wall,
or on a wall, not less than six (6) inches from
any wall, or on a wall, not less than six (6) inches nor
more than twelve (12) inches from the ceiling, and its
installation shall be subject to approval by
the "authority having jurisdiction". No detector shall
be recessed into the ceiling.
e. All smoke detector is A.C. powered, it must be

recessed into receiling.

A smoke detectors shall be accessible for relicing and testing.

If a smoke detector is A.C. powered, it must be ectly attached to a junction box not controlled by y switch other than the main power supply. The stallation of A.C. powered detectors shall conform to electrical standards adopted by the Allen County iliding Department. A smoke detector required

under this chapter shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard, shall take precedence.

It shall be unlawfulfer.

It shall

authority having jurisdiction shall be subject to a fine of \$50.00.

b. Each day such violation is permitted to continue may be deemed to constitute a separate offense.

c. The violation and penalty as herein described in this article shall not be subject to any other fine or penalty within this chapter.

SECTION B. Severability.

The provisions of this article of this chapter are severable, and if any sentence, section, or other part of this article shall be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue to be in full force and effect.

SECTION 9. That this ordinance shall be in full force and effect January 1, 1987 and from and after its passage and legal publication, any and all necessary approval by the mayor.

Ben A. Elsbart

Ben A. Elsbart COUNCILMEMBER Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:
AYES: Eight - Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico
NAYS: None
ABSTAINED: One - GiaQuinta
DATE: 12-9-86

DATE: 12-9-86

Sandra E. Kennedy
City Clerk
Passed and adopted by the Common Council of the
City of Fort Wayne, Indiana, as Special Ordinance No.
5-205-86 on the 9th day of December, 1986.
ATTEST:
Sandra E. Kennedy, City Clerk
Samuel J. Talarico, Presiding Officer
Presented to me by the Mayor of the City of Fort
Wayne, Indiana, on the 9th day of December, 1986, at the hour of 1:00 o'clock P.M., E.S.T.
Sandra E. Kennedy
City Clerk
Approved and signed by me this 11th day of December, 1986, at the hour of 10:00 o'clock A.M.,
E.S.T.

Win Moses, Jr. Mayor

I, the Clerk of the City of Fort Wayne, Indiana do here each complete copy of Special Ordinance No. S-205-86, passed by the Common Council on the 9th day of December, 1986, and that said Ordinance was duly signed and approved by the Mayor on the 11th day of December, 1986, and now remains on file and on record in my office.

December, 1986, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 11th day of December, 1986.

Subscribed and sworn to me before this .......

My commission expires .....

SANDRA E. KENNEDY, CITY CLERK

Title ..... CLERK

BLISHER'S AFFIDAVIT

notary public in and for said county and state, the

...... who, being duly sworn, says ..... of the

...... newspaper of general circulation printed and published

two times ....., the dates of publication being

12/20 - 12/21/86

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19 86 day of December Shelley Ro atul

Shelley R. LaRue Notary Public

March 3, 1990

## · Fort Wayne Common Council (Governmental Unit) Allen

..... County, IN

To JOURNAL-GAZETTE P.O. BOX 100 FORT WAYNE, INDIANA

# **PUBLISHER'S CLAIM**

LINE	COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines 1 number of lines 230 number of lines 1 number of lines Tail 232 Total number of lines in notice

COMPUTION OF CHARGES

......columns wide equals 232 equivalent lines at ...450¢ \$ 104.40 .... lines cents per line Additional charge for notices containing rule or tabular work (50 per cent of above amount) Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00 . 105.40 TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type \_\_\_\_\_6 ..... point

LEGAL NOTICE

Notice is hereby given that on the 9th day of becember, 1986, the Common Council of the City of ort Wayne, Indiana, in a Regular Session did pass the blowing Bill No. S-86-11-14 (as amended) — Special Ordinance No. S-205-86 to-wit:
BiLL NO. S-86-11-14 (as amended) — SPECIAL ORDINANCE NO. S-205-86

NORDINANCE of the Common Council of the City of ort Wayne, Indiana amending Chapter 14.7, entitled Housing and Building Standards, by adding an article didusing and suit of the city.

WHEREAS, six thousand Americans die by fire annually and three hundred thousand are severely niured by fire annually, of which lifty thousand are nable to return to a normal way of life; and WHEREAS, the citizens of Fort Wayne, Indiana ontributed 15 deaths as a part of these statistics in 1986, of whom 77% were in homes with no smoke letector or it was inoperable, and 65% of these ictims were asleep at the time the fire broke out; and WHEREAS, the National Commission on Fire

986, of whom 77% were in homes with no shoke elector or it was inoperable, and 65% of these lotims were asleep at the time the fire broke out; and where asleep at the time the fire broke out; and where asleep at the time the fire broke out; and where of the count o

'Sleeping areas." The area or areas of the family unit in which the bedrooms (or sleeping rooms) ated by other use areas, such as kitchens or

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i. "Shall." Indicates a mandatory requirement.

j. "Smoke Detector." shall be defined as a device which detects visible or invisible particles or products of combustion other than heat, as approved by Underwriters Laboratories, Inc. or Factory Mulual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any visible or invisible particles or products of combustion. It may be either battery powered with a minimum 9 volt or it may be powered by a 110 volt investing current.

combustion. It may be either battery powered with a minimum of volt of it may be powered by a 110 volt atternating current.

SECTION 2. BASIC REQUIREMENTS.

All family living units within the corporate limits of the City of Fort Wayne, Indiana shall be equipped with a minimum of one functional, properly located, tabeled and listed, smock detector, or its equivalent or better, as described in the NFPA74. shall be installed in each family living unit within the corporate limits of the City of Fort Wayne, Indiana, b. All smoke detectors must be installed according to the manufacturer's instructions and according to the manufacturer's instructions and the approval of the "authority having jurisdiction".

C. The smoke detector shall be installed to protect the sleeping areas and shall be installed to protect the sleeping areas and shall be installed to protect the sleeping areas.

d. The smoke detector shall be installed on or near directions on the colling, not less than six (6) inches from the ceiling, and its lation shall be subject to approval by the "authority having jurisdiction". No detector shall be condition to the ceiling, and less than six (6) inches from any wall, or a wall, not less than six (6) inches from any wall, or a wall, not less than six (6) inches from the ceiling, and its lation shall be subject to approval by the "authority having jurisdiction". No detector shall be condition to the ceiling, and its lation shall be subject to approval by the "authority having jurisdiction". No detector shall be installed on or near the ceiling, and stall that the subject to approval by the "authority having jurisdiction". No detector shall be accessible for servicing and testing.

f. Ha smoke detector is A.C. powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of A.C. powered detectors shall be accessible for servicing and testing.

It shall be unlawful for any person to tamper with or remove any power supply. The installation

detector shall be the responsibility for maintaining such smoke detector shall be the responsibility of the owner, manager or rental agent of the property. SECTION 6. ENFORCEMENT OF PROVISIONS. The City Fire Department and the Safe Housing and Building Department shall be charged with the duty of enforcing the terms of this article of this chapter. SECTION 7. VIOLATION/PENALTY a. Any person, firm or corporation violating any provisions of this article of this chapter, or who shall fall to comply with an order as affirmed or modified by the authority having jurisdiction shall be subject to a fine of \$50.00.

b. Each day such violation is permitted to continue the continue of the

authority having jurisdiction shall be subject to a fine of \$50.00.

b. Each day such violation is permitted to continue may be deemed to constitute a separate offense.

c. The violation and penalty as herein described in this article shall not be subject to any other fine or penalty within this chapter.

SECTION B. Severability.

The provisions of this article of this chapter are severable, and if any sentence, section, or other part of this article shall be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue to be in full force and effect.

SECTION 9. That this ordinance shall be in full force and effect January 1, 1987 and from and after its passage and legal publication, any and all necessary approval by the mayor.

Ben A. Elsbart COUNCII MEMBER

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight - Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico
NAYS: None
ABSTAINED: One - GiaQuinta
DATE: 12-9-86

Sandra E. Kennedy
City Clerk
assed and adopted by the Common Council of the
ty of Fort Wayne, Indiana, as Special Ordinance No.
ATTEST:
Sandra E. Kennedy
City Clerk
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Sandra E. Kennedy
City Clerk
Sandra E. Kennedy

ATTEST:
Sandra E. Kennedy, City Clerk
Samuel J. Talarico, Presiding Officer
Presented to me by the Mayor of the City of Fort
Wayne, Indiana, on the 9th day of December, 1986, at
the hour of 1:00 o'clock P.M., E.S.T.
Sandra E. Kennedy
City Clerk
Approved and signed by me this 11th day of
December, 1986, at the hour of 10:00 o'clock A.M.,
E.S.T.
Win Moses, Jr.

Win Moses, Jr. Mayor I, the Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-205-86, passed by the Common Council on the 9th day of December, 1986, and that said Ordinance was duly signed and approved by the Mayor on the 1 tith day of December, 1986, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 1 tith day of December, 1986.

SANDRA E. KENNEDY, CITY CLERK

potary Public March 3, 1990

W. W.

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Fort	Wayne	Common	Council
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To JOURNAL-GAZETTE	Dr.
P.O. BOX 100	
FORT WAYNE, INDIANA	

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A		ALLEN County SS:  Personally appeared before	ore me, a notary public in and for	said county and state, t
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	D A A		newspaper of ge	
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SANDRA F KEN	icial seal of the City of day of December, INEDY, CITY CLERK	and swort to the belore	Skelley	Rosalie
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didn't come u	ntil I almost	My commission expires	March 3, 1990	ALL WALLS

mean figure it out. Now, the way it ends didn't come until I almost got it done; I was really puzzled by the thing."

Hart had reason to be distracted. He was also busy writing a non-fiction book,

My commission expires ....